# Exhibit 5

# O'HANLON, McCollom & Demerath

ATTORNEYS AND COUNSELORS AT LAW

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**JUSTIN DEMERATH** 

idemerath@808west.com

February 13, 2017

# Via email bkarp@paulweiss.com

Brad S. Karp Chairman PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP 1285 Avenue of the Americas New York, New York 10019-6064

Re: Sagapolutele v. Nat'l Football League, et al., Case No. 17-cv-00348 (E.D. Pa.)

Mr. Karp:

In response to your letter dated January 26, 2017 and following up on our discussion via telephone on January 30, 2017, please accept this correspondence as part of our continued, good-faith efforts to confer regarding the reasons we filed suit on behalf of Yvonne Sagapolutele, the widow of Pio Sagapolutele. The above-captioned action against the NFL Defendants is not barred because our client was not given an adequate opportunity to exclude herself from the class. It is our sincere hope that this correspondence will allow us to find an equitable and mutually beneficial path forward for both of our clients.

Please allow me to give you a brief introduction to my clients. Pio Sagapolutele retired from the NFL in 1999 after playing as a starting lineman on both sides of the line, as well as nose tackle, for eight NFL seasons. He played for the Browns, Patriots, and Saints, and started in Super Bowl XXXI for the Patriots. He died at the age of 39. Pio Sagapolutele is survived by his wife of 18 years at the time of his passing, Yvonne, and their four children. As evidenced in the attached letter, it is the opinion of Board Certified Neuropathologist, Dr. Ronald Hamilton, that Mr. Sagapolutele suffered from chronic traumatic encephalopathy ("CTE"). He passed away on June 7, 2009.

We understand that absent class members may be bound by a class settlement and could be barred from bringing later claims *if* they are adequately represented and afforded certain due process protections.<sup>1</sup> When absent class members have had a full and fair hearing

Hansberry v. Lee, 311 U.S. 32, 42–43 (1940); Gotthelf v. Toyota Motor Sales, U.S.A., 525 Fed. Appx. 94, 99 (3d Cir. 2013).

and had their procedural rights protected during the approval of the settlement agreement, an absent class member may not challenge a final settlement agreement.<sup>2</sup> However, in circumstances when the adopted procedures did no fairly protect the interests of absent class members, those class members are not barred from bringing claims.<sup>3</sup>

Class action procedures do not fairly protect the interests of absent class members when the absent class members have not been provided meaningful notice and an adequate opportunity to exclude themselves from the class.<sup>4</sup> A notice that does not inform absent class members of the fundamental reasons they may want to object to the settlement or an adequate opportunity to present their objections violates due process.<sup>5</sup>

Ms. Sagapolutele was not given a meaningful opportunity to opt out of the class because the terms of the Original Settlement Agreement were materially changed after the opt out period had concluded. Whether intentionally or inadvertently, the terms of the settlement agreement were materially changed after the fairness hearing in a manner that arguably add inequitable restrictions the opportunity to obtain a Qualifying Diagnosis of Death with CTE as that term came to be defined in the Amended Settlement Agreement. This change was made without notice to Ms. Sagapolutele and without providing her an opportunity to opt out after the change was made.

Under the terms of the Class Action Settlement Agreement as of June 25, 2014 ("Original Settlement Agreement"), Pio and Yvonne Sagapolutele were included as absent class members of Subclass 1. The Original Settlement Agreement listed "Death with CTE" as one of the "Qualifying Diagnoses eligible for a Monetary Award." These terms have not changed.

However, an important change was made to the procedure for obtaining a Qualifying Diagnosis for Death with CTE. Exhibit 1 to the Original Settlement Agreement *originally* stated that a Qualifying Diagnosis for Death with CTE required a post-mortem diagnosis of CTE made by a board-certified neuropathologist:

# Death with Chronic Traumatic Encephalopathy (CTE)

For Retired NFL Football Players who died prior to the date of the Preliminary Approval and Class Certification Order, a post-mortem diagnosis of CTE made by a boardcertified neuropathologist.

<sup>&</sup>lt;sup>2</sup> In re Diet Drugs Prods. Liab. Litig., 431 F.3d 141, 146–47 (3d Cir. 2005).

<sup>&</sup>lt;sup>3</sup> *Id.* (quoting *Hansberry*, 311 U.S. at 42) (holding that "there has been a failure of due process only in those cases where it cannot be said that the procedure adopted, fairly insures the protection of the interests of absent parties who are to be bound by it").

<sup>&</sup>lt;sup>4</sup> Eisen v. Carlisle & Jacquelin, 417 U.S. 156, 173 (1974).

<sup>&</sup>lt;sup>5</sup> See id. at 173–74; see also Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314–18 (1950) (holding that due process was violated when notice was not sent to individual class members where class members' names and addresses could be ascertained through reasonable effort).

Importantly, the Original Settlement Agreement placed no deadline on the post-mortem diagnosis. Thus, under the Original Settlement Agreement any class member (including Ms. Sagapolutele) would currently be able to obtain a Qualifying Diagnosis for Death with CTE.

On July 9, 2014, the Court issued an order approving the Long-Form Notice. The Long-Form Notice stated that monetary awards would be available for a diagnosis of Death with CTE, and the expressly stated that a Qualifying Diagnosis may occur at any time until the end of the 65-year term of the Monetary Award Fund:

### 14. WHAT DIAGNOSES QUALIFY FOR MONETARY AWARDS?

Monetary awards are available for the diagnosis of ALS, Parkinson's Disease, Alzheimer's Disease, Level 2 Neurocognitive Impairment (i.e., moderate Dementia), Level 1.5 Neurocognitive Impairment (i.e., early Dementia) or Death with CTE (the "Qualifying Diagnoses"). A Qualifying Diagnosis may occur at any time until the end of the 65-year term of the Monetary Award Fund.

The plain language of the Long-Form Notice provided a 65-year deadline to obtain a Qualifying Diagnosis. Thus, under the Long-Term Notice Ms. Sagapolutele would be able to obtain a Qualifying Diagnosis for Death with CTE at any time.

The Court conducted a fairness hearing regarding the Original Settlement Agreement on November 19, 2014. After that fairness hearing, the Court issued an Order regarding changes meant to "enhance the fairness, reasonableness, and adequacy of the proposed Class Action Settlement Agreement." In that order, the Court specifically requested that Retired NFL Players who died prior to the final approval of the Settlement should be able to recover an award in addition to Retired NFL Players who died prior to the preliminary approval:

 The Qualifying Diagnosis of Death with CTE should include Retired NFL Football Players who die between preliminary approval and final approval of the Settlement;

This proposed change to the Original Settlement Agreement would not have imposed a time restriction on a post-mortem diagnosis for CTE.

On February 13, 2015, an Amended Class Action Settlement Agreement ("Amended Settlement Agreement") was filed with the Court. The Amended Settlement Agreement contained the Court's suggested change. However, the Amended Settlement Agreement also included another change that had not been requested by the Court and appears to directly conflict with the Court's expressed desire to "enhance the fairness, reasonableness, and adequacy of the proposed Class Action Settlement Agreement." Specifically, the Amended Settlement Agreement appears to impose — for the first time and without notice to class members — a deadline on the post-mortem diagnosis:

# 5. Death with Chronic Traumatic Encephalopathy (CTE)

For Retired NFL Football Players who died prior to the Final Approval Date, a post-mortem diagnosis of CTE made by a board-certified neuropathologist prior to the Final Approval Date, provided that a Retired NFL Football Player who died between July 7, 2014 and the Final Approval Date shall have until 270 days from his date of death to obtain such a post-mortem diagnosis.

Thus, contrary to the Original Settlement Agreement and Long-Form Notice, the Amended Settlement Agreement appears to arguably impose a deadline of April 22, 2015 (the Final Approval Date) for any post-mortem diagnosis. No such deadline had ever been disclosed to Ms. Sagapolutele.

On March 31, 2015, a notice regarding the newly added language of the Amended Settlement Agreement was apparently sent to all class members who had opted out, informing them of the augmented time line and inviting them to opt back into the settlement. *See* Doc. No. 6500-1; Case No. 2:12-md-02323-AB. No corresponding notice regarding the time restrictions added to the Amended Settlement Agreement was sent to class members advising them of the changes and providing them an opportunity to opt out of the settlement. Certainly, Yvonne Sagapolutele received no notice of a change to the settlement agreement that would have arguably required her to obtain a diagnosis prior to April 22, 2015.

For the foregoing reasons, our client was not given a meaningful opportunity to opt out of the settlement and cannot bound by the terms of the Amended Settlement Agreement. Nevertheless, if your client would like to include Yvonne Sagapolutele in the terms of the Original Settlement Agreement, or alternatively hold this case in abeyance without prejudice until such time as the Settlement Administrator has taken a position on this issue, we are certainly amenable to discussing that with our client.

I welcome the opportunity to learn your position on this issue, and respectfully request that we re-convene our telephone conversation after you have had sufficient time to review our position. I would offer to hold off on service of this lawsuit, provided that the conversation can take place in the reasonable future. Please advise when you would be available to further discuss in the forthcoming two weeks.

Sincerely,

Justin Demerath

Louis F. D'Onofrio

cc: Christopher A. Seeger (email)
Craig Eiland (email)



University of Pittsburgh Physicians, Department of Pathology

Division of Neuropathology

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Ronald Hamilton, MD

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David Lacomis, MD

Geoffrey Murdoch, MD, PhD

Gutti R. Rao, MD

UPMC Presbyterian Room S701 Scaife Hall 200 Lothrop Street Pittsburgh, PA 15213 T 412-624-9415 F 412-624-5610 Re: Pio Sagapolutele

To Whom It May Concern:

My name is Ronald L. Hamilton, M.D. I am a board-certified neuropathologist. Attached to this correspondence is a true and correct copy of my curriculum vitae describing my qualifications.

In my professional opinion, Pio Sagapolutele suffered from Chronic Traumatic Encephalopathy. This post-mortem diagnosis is based on a reasonable medical probability.

Sincerely,

1/2/2017

# **CURRICULUM VITAE**

# **BIOGRAPHICAL**

Name: Ronald Lee Hamilton Birth Date: September 20,

1959

USA

Omaha, **Home Address:** 6 Graham Place **Birth Place:** 

Pittsburgh, PA 15232

Nebraska

Marital status: single

**Home Phone** 412-310-9874 Citizenship:

**Business Address:** Division of Neuropathology

> A724.1 Scaife Hall 200 Lothrop Street Pittsburgh, PA 15213

**Business Phone:** 412-624-6610

**Business Fax:** 412-624-5488

e-mail address hamiltonrl@upmc.edu

# **EDUCATION AND TRAINING**

1977-1985	University of Nebraska-Lincoln	B.S.	Psychology
1985-1989	University of Nebraska Medical Center	N	И.D.
1989-1991	University of California, San Diego Program Director, David Bailey	Resident	Anatomic Pathology
1991-1993	University of California, San Diego Program Director, Henry C. Powell	Resident	Neuropathology
1993-1994	University of Pittsburgh Program Director, Clayton A Wiley	Fellow N	europathology
1994-1995	University of Pittsburgh		IIMH Training Grant n Neuroscience

Program Director, Michael Zigmond

# **APPOINTMENTS AND POSITIONS:**

1995-2002 University of Pittsburgh School of Medicine -Assistant Professor of Pathology University of Pittsburgh School of Medicine -Associate Professor of Pathology 2002-present

# **DISTRIBUTION OF % TIME**

Research	20%
Other scholarly activity	8%
Teaching	10%
Clinical	35%
Combined clinical and teaching	20%
Service activities	5%
Administrative activities.	2%

**TOTAL** 100%

# **CERTIFICATION and LICENSURE**

### SPECIALTY CERTIFICATION

American Board of Pathology	Anatomic Pathology	5/23/96
American Board of Pathology	Neuropathology	5/23/96
American Board of Pathology – recertification	Neuropathology	1/1/2014

# MEDICAL or OTHER PROFESSIONAL LICENSURE

1990	California Medical License (G69731) expired
1993	Pennsylvania Medical License (MD-049717-L)
2009	Indiana Medical License (01067332A)

### MEMBERSHIPS IN PROFESSIONAL AND SCIENTIFIC SOCIETIES

1992	American Association for the Advancement of Science
1993	American Association of Neuropathology
1993	International Society of Neuropathology
1994	College of American Pathologists (CAP)
1995-97	CAP Neuropathology Subcommittee
1998	Children's Cancer Group, Study Committee for CCGB975
1999	Society for Neuroscience

# **HONORS**

Nominated "Teacher of the Year: Anatomic Pathology"	1997
Nominated "Teacher of the Year: Anatomic Pathology"	1998
Nominated "Teacher of the Year: Anatomic Pathology"	1999
Nominated "Teacher of the Year: Anatomic Pathology"	2000
Nominated "Teacher of the Year: Anatomic Pathology"	2001
Nominated "Teacher of the Year: Anatomic Pathology"	2002
UPMC ACES Award winner (ACES is an Award for	2003

Clinical Excellence and Service and is given to about 10 physicians per year at UPMC)

Letter of appreciation from Chief Residents 1997-1998 AP Pathology "TEACHER OF THE YEAR" 2004-05

# **PUBLICATIONS**

### **Refereed Articles**

- Esch O, Spinosa JC, Hamilton RL, Crombie DL, Schteigart CO, Rondinone JF, D'Agostino HB,Lillienau J and Hofmann AF: Acute effects of topical methyl tert-butyl ether or ethyl propionate on gallbladder histology in animals: a comparison of two solvents for contact dissolution of cholesterol gallstones. Hepatology 16 (4):984-991, 1992.
- Anders KH, Becker PS, Holden JK, Sharer LR, Cornford ME, Hansen LA, Hamilton R, Vinters, HV: Multifocal necrotizing leukoencephalopathy with pontine predilection in immunosuppressed patients: a clinicopathologic review of sixteen cases. Human Pathology 24:897-904, 1993.
- 3. **Hamilton RL**, Achim C, Grafe MR, Fremont JC, Miners D, Wiley CA: Herpes simplex virus brainstem encephalitis in an AIDS patient. Clinical Neuropathology, 14: 45-50, 1995.

- 4. Rose J, Haskell WL, Gamble JG, **Hamilton RL**, Brown DA, Rinsky L: Muscle pathophysiology and clinical measures of disability in children with cerebral palsy. Journal of Orthopedic Research, 12(6): 758-768, 1994.
- 5. **Hamilton RL**, Grafe MR: Complete absence of the cerebellum: a report of two cases. Acta Neuropathologica 88 (3): 258-261, 1994.
- 6. **Hamilton RL**, Haas RH, Nyhan WL, Powell HC, Grafe MR: The neuropathology of propionic academia: a report of two additional cases. Journal of Child Neurology 10(1): 25-30, 1995.
- 7, Haas RH, Marsden DL, Capistrano-Estrada S, **Hamilton RL**, Grafe MR, Wong W, Nyhan WL: Acute basal ganglia infarction in propionic acidemia. Journal of Child Neurology 10(1) 18-22, 1995.
- 8. Kupperman BD, Quiceno JI, Wiley C, Hesselink J, **Hamilton R**, Keefe K, Garcia R, Freeman WR: Clinical and histopathologic study of varicella zoster virus retinitis in patients with the acquired immunodeficiency syndrome. American Journal of Ophthalmology 118:589-600, 1994.
- 9. Adelson PD, Robichaurd P, **Hamilton RL**, Kochanek PM. A Model of Diffuse Traumatic Brain Injury in the Immature Rat. J Neurosurg 85:877-884, 1996.
- 10. Alper G, Crumrine PK, **Hamilton RL**, Albright L, Wald ER. An unusual case of inflammatory spinal epidural mass (Castleman's syndrome) Pediatric Neurology 15: 60-2, 1996
- 11. Adelson PD, Firlik KS, Firlik AD, **Hamilton RL**. A meningeal cyst of the thoracic spine presenting as prolonged paresis after ankle injury: case report. Neuropediatrics 27:207-210, 1996.
- Cramer SC, Segal A, Hamilton RL, Schmahman J, Ma J. Leukoencephalitis Due to Varicella Zoster Virus: Report of a Case and Review of Clinical Features. Contemporary Neurology, 1, 1996 (electronic journal).
- 13. Mansfield RT, Schiding JK, **Hamilton R**, Kochanek PM: Effects of hypothermia on traumatic brain injury in immature rats. J Cerebral Blood Flow Metabo 16(2): 244-252, 1996.
- 14. Pollack IF, Campbell JW, **Hamilton RL**, Martinez AJ, Bozik ME. Proliferation index as a predictor of prognosis in malignant gliomas of childhood. Cancer 79:849-856, 1996
- 15. Pollack IF, Hamilton RL, Finkelstein SD, Campbell JW, Martinez AJ, Sherwin RN, Bozik ME, Gollin SM. The relationship between tp53 mutations and overexpression of p53 and prognosis in malignant gliomas of childhood. Cancer Research 57:304-309, 1997.
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- 23. Liachenko S, Tang P, **Hamilton RL**, Xu Y: A reproducible model of circulatory arrest and remote resuscitation in rats for NMR investigation. Stroke 29:1229-1238, 1998
- 24. Meltzer CC, Liu AY, Perrone AM, **Hamilton RL** Meningioangiomatosis MR imaging with histopathologic correlation. AJR 170:804-5, 1998
- 25. Clark RSB, Kochanek PM, Chen M, Watkins SC, Marion DW, Chen J, **Hamilton RL**, Loeffert JE, Graham SH. Increases in Bcl-2 and cleavage of caspase-1 and caspase-3 in human brain after head injury. FASEB J, 13:813-821, 1999
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- Wang G, Achim CL, Hamilton RL, Wiley CA, Soontornniyomkij V Tyramide signal amplification methods in multiple label immunofluorescence confocal microscopy. Methods 18(4):459-464, 1999
- 28. Firlik KS, Adelson PD, **Hamilton RL**: Coexistence of a ganglioglioma and Rasmussen's encephalitis: successful treatment in a four-year-old boy. Pediatr Neurosurg 30:278-282, 1999
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- 30. Dallasta, LM, Wang G, Bodnar RJ, Draviam R, Wiley CA, Achim CA, **Hamilton RL**: Differential expression of intercellular adhesion molecules-1 (ICAM-1) and vascular adhesion cell molecule-1 (VCAM-1) in chronic murine retroviral encephalitis. Neuropathol Appl Neurobiol 26:332-341, 2000.
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   Differential Preservation of AMPA Receptor Subunits in the Hippocampi of Alzheimer's Disease Patients According to Braak Stage Experimental Neurology 187:299-309, 2004
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- 61. **Hamilton RL**, Bowser B Alzheimer Disease Pathology in ALS Acta Neuropathologica107:515-522, 2004
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- 64. Sweet RA, **Hamilton RL**, Butters ME, Mulsant BH, Pollock BG, Lewis DA, DeKosky ST, Reynolds CF. Neuropathologic Correlates of Dementia in Late Life Major Depression Neuropsychopharmacology 29:2242-2250, 2004
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- 66. Beckner ME, Sasatomi E, Swalsky PA, **Hamilton RL**, Pollack, IF, Finkelstein SD. Loss of heterozygosity reveals non-VHL Allelic loss in hemangioblastomas at 22q13. Human Pathology 35:1105-1111, 2004.
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- 68. Bredel C, Lassman S, Pollack IF, Knoth R, **Hamilton RL**, Werner M, Bredel M. DNA Topoisomerase II-alpha and Her-2/Neu Gene Dosages in Pediatric Malignant Gliomas. Int J Cancer 26:1188-92, 2005.
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- 72. Steffi Oesterreich, Ahmed Basudan, Nolan Priedigkeit, Ryan Hartmaier, Amir Bahreini, Rekha Gyanchandani, Jose P Leone, Peter Lucas,, Rohit Bhargava, Ron Hamilton, Ryan Hartmaier, Adam Brufsky, Adrian V. LeePerivascular Inflammation in Temporal Artery Biopsies That Are Negative for Arteritis: Incidental or Harbinger American College of Rheumatology/ Association of Rheumatology Health Professionals (ACR/ARHP) Annual Meeting, Washington DC, 11/13/16
- 73. Expression of Carbonic Anhydrase Genes, CA3 and CA12, Transformed with ENO1, Relate to Copy Numbers of EGFR or RNF139 and XIAP, and Gender in Glioblastomas Using PCR Assays. Experimental Biology 2015 Annual Meeting
- 74. Evaluation of GlioSeq Targeted NGS Panel for Detection of O6-Methylguanine-DNA Methyltransferase (MGMT) mRNA Expression in Glioma Patients Alicia Hunt, Sarika Jain, Melissa A Melan, Abigail Wald, Ronald Hamilton, Marina N. Nikiforova Association For Molecular Pathology (AMP) Charlotte, NC. November 10-12, 2016.

### **PROFESSIONAL ACTIVITIES**

### **TEACHING**

University of California, San Diego, Dept of Neuroscience

1991-93 lab assistant - graduate neuroanatomy course

University of California, San Diego, School of Medicine

Sophomore pathology course, neuropathology section (lab assistant) 1991-93

University of California, San Diego, Dept of Pathology

1991-93 Clinical Correlation Conference - Neuropath and Neurosurgery (monthly)

1991-93 Neuropathology review for neurology residents (bi-monthly)

University of Pittsburgh, School of Medicine

Freshman pathology course -

PBL facilitator for musculoskeletal course 1994-1998

Neuroscience Module – lecture M2 students full class: CNS tumors

Annually since 1999.

April 29, 2014 1-3 pm

Neuroscience Module lecture MS1 students

CNS tumors March 2004

CNS tumors March 2005

CNS tumors March 2006

CNS Tumors 5/7/07

Neuroscience rotation – small weekly lab, M3 students

7/99-present

Neuroscience rotation - small group M3 students

6/18/2007 3-5pm

Weekly brain-cutting conference at Children's Hospital (2-5 medical (M3) students/week)

Academic Advising: Kate McFadden 2/2000 to 6-2001

Other:

High school - gifted science students of Mr. James Coll

11/21/2002, 11/14/2003, 10/28/2004, 11/18/2005, 11/3/2006

University of Pittsburgh, graduate students

Cellular and Molecular Mechanisms of Neurodegeneration (MSCMP 3720)

Organizers: Robert Bowser, Cristian Achim,

1. Neuroanatomy and Neurohistology in neurodegeneration

1/13/98. 1/19/99

2. Mitochondria and disease / Prion encephalopathies

3-24-98

3. The role of alpha-synuclein in neurodegenerative diseases

10-11-00

Molecular Pathobiology (organizers Frye and Achim) (MSCMP 2740)

.Tumors of the Central Nervous System, 4-7-98, 4-20-99

Alpha-synuclein and Neurodegeneration

4-2003, 1/8/04, 5/15/06

Neuropathology of Neurodegeneration

1/6/04

Alpha-synuclein and Tau in Neurodegeneration

1/5/07. 2/7/2008

Pathologic diagnosis of the Lewy Body Disorders

2/12/09

University of Pittsburgh, Dept of Neuroscience - Combined Neuroscience Conference Wed 4-5

10/3/95 \* Varicella Zoster Infections of the CNS in AIDS patients

Lewy Bodies and Dementia 10/9/96 \*

The Neuropathology of Pediatric Seizures 2/19/97 \*

CNS manifestations of non-CNS tumors in children 4/23/97 \*

Case Presentation with Ian Pollack 2/11/98

3/18/98 *	A 77 year old woman with Multiple sclerosis and dementia
11/4/98	*Pediatric meningiomas – two cases
1/20/99	Methanol Intoxication – with C. Foley
2/3/99	Gliomatosis cerebri with Dallasta
2/10/99	Amyloid angiopathy and leukomalacia – with D. Kaufer
3/17/99	Metachromatic Leukodystrophy – with D. Kaufer
9/18/02	latrogenic CJD*
* ac primary r	orocontor

as primary presenter

University of Pittsburgh, Dept. of Pathology, Chief Resident's Fri noon slide conference

8/1/96 - Pediatric brain tumors 10/5/97 Pediatric brain tumors 1/9/98

NP REVIEW - Tumors I
NP REVIEW - Tumors II
NP REVIEW - Tumors III
NP REVIEW - Tumors III
NP REVIEW - Infections
NP REVIEW - Demyelina
NP REVIEW - Neurodega
NP Review - Cerebrovas
Pediatric Neoplasms and 1/16/98 1/23/98 NP REVIEW - Tumors III 1/30/98

2/6/98 NP REVIEW - Demyelinative diseases 2/13/98 NP REVIEW - Neurodegenerative diseases

2/20/98 NP Review - Cerebrovascular disease and developmental

5/24/02 Pediatric Neoplasms and Congenital Malformations

5/31/02 **Degenerative Diseases** 

# University of Pittsburgh, undergraduate

Independent Course and Honors Research Project -

Theodore Kaplan (1/97-6/97)

Emily Rogerson (1/99-5/99, 9/99-12/99, 1/00-4/00)

Kyle Hubbard (1/99 – 5/99, 9/99-12/99, 1/00-4/00)

Joe Demidovich – 2000-2002

Stan Garb (2001-2001)

Pathology Summer Undergraduate Research Program (SURP)

Kathleen Anderson 6/00-8/00 Kathleen Anderson 6/01-8-01

University of Pittsburgh, Dept. of Pathology,

Neuropathology of dementia conference - weekly (Fri 10-11)

University of Pittsburgh - ADRC Topics at Noon

X-34 and alpha-synuclein – New stains in Alzheimer's Disease 11/98

Lewy Body Pathology in Alzheimer's Disease, 11/01

# Children's Hospital of Pittsburgh, Grand rounds

1996 - methyl malonic acidemia with hemi-cerebellum

2/13/97 - Pediatric AIDS with HIV encephalopathy

5/22/97 - 11 month-old boy with Hypotonia (Leigh's Disease)

3/18/98 - Becker's muscular dystrophy with severe cardiomyopathy

5/19/98 - Friedreich's Ataxia

10/15/98 - Spinal Muscular Atrophy Type I

2/2005 - Congenital Dystrophies - Pediatric Neurology

### **Other Presentations**

Neurology Grand Rounds - 11-19-03 - CNS vasculitis Pathology Noon Diagnostic Conference - 11-20-03 – "Some Bodies in the Brain" AP Didactic Lecture – 11-25-03 - Neuropathology of Neurodegeneration NP Didactic - 4-28-04 - ApoE4 and Lewy Bodies in AD

NP Didactic - 3/31/2005 - AD Pathology in ALS and MTS and LB in AD

Pathology Noon Diagnostic Conference – 8-4-2006: Tauopathies

ADRC CPC 8-10-06 ADRC CPC 11-30-06

ADRC CPC 2-8-07

ADRC 20th Anniversary meeting, "Neuropathology of AD:" 9-28-06

ADRC Topics at Noon. "Tauopathies" 11-16-06

ADRC CPC 8/16/2007

ADRC CPC 11/30/2007

Pediatric CPC 2/25/08

DJ-1 in glioblastomas (NP Didactic conference) – 3/10/2009 (1 hour)

Neuropathology review for Neurosurgery residents – 3/10/2010 (1 hour).

AP Chief Residents didactic conference. 2 hour conference. Non-glial Tumors. Feb 25, 2014

CMU graduate class: BioE 2630 – Methods in medical iamage analysis in neuropathology. April 4, 2014.

Anatomic Pathology Grand Rounds, July 10, 2014 Chronic Traumatic Encephalopathy: an Update.

# **Clinical Conferences (recurring)**

ADRC Brain cutting	weekly	Tue 8-10
ADRC Dementia signout -	weekly	Fri 10-11
PUH – Neuropathology QA -	weekly	Wed 10-11
CH Brain cutting	weekly	Mon 10-11:00
CH Neuro-Oncology conf	weekly	Mon 11:30-12:30
CH Gross autopsy conference	weekly	Tue 11-12
CH Micro autopsy conf	weekly	Tue 1-2

University of Pittsburgh School of Medicine -

2009 Brain Tumors – lecture to 1st year students

2009 Klionsky summer research scholarship – Peter Kang (June-Aug 2009)

Clinicopathologic correlations of chordomas

2009 Monday 2 hour small group 3<sup>rd</sup> year (5-12 students)

4/6/2009, 7/27/2009, 9/10/2009, 10/12/2009, 12/7/2009, 1/25/2010, 2/15/2010

# **RESEARCH**

### **OTHER SUPPORT**

# **ACTIVE**

# HAMILTON, R.

**ACTIVE** 

**R01 NS037704** (PI: Pollack) 9/1/98-1/31/17 0.7 calendar months National Institutes of Health \$105,970

Role: Co-Investigator

Title: Molecular Markers as Predictors of Outcome in Gliomas

The major goal of this project is to further characterize the molecular features of tumorigenesis in podiatric malignant gliomas

in pediatric malignant gliomas.

**1R01 CA174858-01**(PI: Pollack) 5/6/13-8/30/17 0.4 calendar

months

National Institutes of Health \$54,696

Role: Co-Investigator

Title: Peptide Vaccine-Based Immunotherapy for Children with Recurrent Ependymomas This project focuses on a pilot clinical trial of peptide-based immunotherapy for ependymomas, among the most challenging childhood brain tumors. The study will incorporate separate strata

for posterior fossa and non-posterior fossa ependymomas. We will treat a total of 12 patients in each of the two strata with subcutaneous TAA epitope vaccinations every 3 weeks for 8 courses combined with topical imiquimod. Participants will be evaluated for adverse events, regimen limiting toxicity (RLT), and treatment response by clinical and laboratory evaluations and MR imaging. We hypothesize that vaccine-based immunotherapy will not only prove safe for the treatment of pediatric ependymomas, but will also demonstrate activity as assessed by immunologic and clinical parameters.

(PI: Pollack) 5/8/14-6/1/17 Child Brain Tumor Foundation

\$10,487

1.2

calendar months

### **Children's Brain Tumor Tissue Consortium**

The CBTTC is a unique research platform in which tumor tissue is processed for comprehensive molecular (e.g., DNA, RNA, and protein) analysis using state-of-the-art methods and the data results of that analysis, together with new brain tumor models and relevant clinical information, are sent back to the participating institutions. In comparison to tissue banks, the CBTTC actively stimulates research by providing high-quality data that can be rapidly and efficiently analyzed by participating institutions.

PI: Pollack. 10% salary for Jonette Werley

**OVERLAP No Overlap** 

# **Completed Research Support**

National Institutes of Health 3/1/02 – 2/28/05

P30 MH52247-10 (PI: Reynolds) \$23,305

Intervention Research Center for the Study of Late-Life Mood Disorders

a supplement to the above grant to establish a brain bank to investigate the neuropathological substrate of late life mood disorders.

Role: Co-Investigator

R01 NS048595 (PI: Montine) 09/30/03 – 07/31/08

National Institutes of Health

Subcontract to the University of Washington on grant "Characterization of DLB: a Collaborative Study"

The major goal of this multi-institutional project is to investigate the role of ApoE4 alleles and other genetic polymorphisms in the Lewy Body Variant of Alzheimer's Disease.

Role: Co-Investigator

Brain Tumor Society 07/01/07-05/31/09

PI: Ian Pollack

JPA & Pediatric Low Grade Astrocytoma

The major goals of these two grants is to examine molecular markers of prognosis in pediatric gliomas.

Role: Co-Investigator

U10 CA13539-27 (Reaman (subcontract 6172) (Pollack)

1/1/06-12/30/09

NIH/NCI

Children's Oncology Group Brain Tumor Resource Laboratory

This contract is providing infrastructure support for maintaining tissue processing and banking of high-grade gliomas.

Role: Laboratory Director

R01 MH47346 (PI: Zubenko) 12/1/04 – 11/30/09

National Institutes of Health

Morphologic/Neurochemical Correlates of Depression in AD

The major goal of this project is to better define the biological substrates of major depression in AD and to provide additional insight into the clinical biology of major depressive disorders affecting the elderly.

Role: Co-Investigator

P50 AG05133 (PI: Lopez) 3/30/85 – 3/31/15 0 calendar months

National Institutes of Health \$71,764

Alzheimer Disease Research Center, Core C: Neuropathology

The three objectives of the Neuropathology Core are to (1) procure and bank brain from autopsies of ADRC patients and controls, (2) perform detailed neuropathologic analysis of all AD cases and (3) maintain well catalogued brain bank.

Role: Core Advisor

Child Brain Tumor Fund (CBTF) (PI: Pollack) 5/8/13-5/7/14

0.3 cal months (2.5% support) PITT subaccount #: 05.35206.xxxx.00000.709203.----

P01 NS040923 (PI: Pollack) 7/1/02-5/31/13 1.20 calendar months

National Institutes of Health \$22,074

Novel Strategies for Brain Tumor Therapy

The unifying hypothesis of this program project grant is that novel therapeutic approaches that take into account the unique features of central nervous system (CNS) tumors will have utility for preventing tumor growth and inducing tumor regression, and will potentiate the effects of conventional treatment approaches, particularly radiotherapy, for inducing glioma cell killing.

Role: Co-Investigator

**Prior Grant Support** 

1995-1997 Murine Model of Retroviral Encephalitis

Children's Hospital of Pittsburgh Research Fund (\$50,000)

0% effort, 0% support

1995-1998 Blood Brain Barrier in HIV encephalitis (PI: Achim)

Co PI. 10% effort and salary (\$186,264)

11/98 PD Center Grant, Equipment \$6000

for freezer for PD Brain Bank (one time equipment funding)

7/1/98-6/30/99 Neurotrophic Factors in SIV encephalitis

Competitive Medical Research Fund (CMRF), \$25,000,

0% effort, 0% support

12/01/98-11/30/99 Parkinson's Disease Brain Bank

PI: Hamilton RL

Parkinson's Disease Foundation (\$24,899) 0% effort, 0% support

7/1/98-6/30/00 Molecular Markers of Prognosis in Pediatric Gliomas

PAR 95-063, NIH PI: IF Pollack

10% effort and support (\$263,311)

4/1/00-3/31/01: Alpha-synuclein Aggregation in Dementia With Lewy Bodies

PI: RL Hamilton

Parkinson's Disease Foundation Seed Money Grant, \$25,000 0% effort, 0%

support

10/1/00-9/30/02 Millennium Agreement (Neuro Module)

PI: Rajiv Dhir

0% effort, 0% Support.

(\$25,000 per year for supplies, plus support for 100% Level IV Res Tech)

1/1/99 – 12/31/03 COG Brain Tumor Resource Laboratory

PI: Pollack, IF (\$5800) (subcontract 6172)

Co-I – 5% effort and support

NIH-U10 CA13539-27

3/01/02 - 2/28/05 - Supplemental Award to Establish a Late Life Mood Disorder Brain Bank

PI: RA Sweet (for supplement)

Supplement to 3 P30 MH52247-08S1 (PI: CF Reynolds)

Co-I: 5% effort and support

7/1/98-6/30/05 Morphologic/Neurochemical Correlates of Depression in AD

PI: G Zubenko

2.5% effort and support (\$20,000)

National Institutes of Health 09/30/03 – 07/31/08 5%

R01 NS048595 (PI: Montine) \$75,000

Subcontract to the University of Washington on grant "Characterization of DLB: a Collaborative Study" The major goal of this multi-institutional project is to investigate the role of ApoE4 alleles and other genetic polymorphisms in the Lewy Body Variant of Alzheimer's Disease

R01 MH072947 (PI: Butters) 12/1/04 –11/30/11 0.36 calendar months

National Institutes of Health \$6,018

Pathways Linking Late Life Depression to Mild Cognitive Impairment and Dementia

The goal of this project is to investigate the relationships among late-life depression (LLD), cognitive impairment and progressive neurodegeneration.

Role: Co-Investigator

R01 MH072947 (PI: Butters) 12/1/04 –11/30/11 0.36 calendar months

National Institutes of Health \$6,018

Pathways Linking Late Life Depression to Mild Cognitive Impairment and Dementia

The goal of this project is to investigate the relationships among late-life depression (LLD), cognitive impairment and progressive neurodegeneration.

Role: Co-Investigator

# Seminars and Invited Lectureships Related to Research

Presentation of an Unknown Case (Herpes simplex brainstem encephalitis) to American Association of Neuropathologists Annual Meeting, June 1992: St. Louis, MO.

Presentation of an Unknown Case (Varicella zoster virus encephalitis in an AIDS patient) to XII International Congress of Neuropathology, Sept, 1994: Toronto, Ont, Canada.

Presentation of an Unknown Case (Atypical neurocytoma) to American Association of Neuropathologists Annual Meeting, June 2002: Denver (presenter: Rafael Medina-Flores).

# **Other Research Related Activities**

1995-2003	Co-Director, Neuropathology Core ADRC
2003-2012	Director, Neuropathology Core ADRC.
1995-2012-	Director, Neuropathology Brain Bank
1997 - present -	Director of Neurohistology laboratory

1997 - present - Director of Neuronistology laboratory
1997-present Co-Director, Brain Tumor Resource Laboratory, Children's Cancer Group
2001- 2009 Director of Neuropathology Core of the Stephen Tuttle ALS Tissue Bank.

2001-present Co-Director, UP Brain Tumor Bank

# **CURRENT RESEARCH INTERESTS**

1. Molecular Biology of Brain Tumors

# **SERVICE**

# **University and Medical School**

Residency Committee (Pathology) – 1997 to 2008 Institutional Review Board 3/02 – 5/2005 'Member of the UPSOM Interviewing Committee' jan 2010-present

Member, UPMC Professional Practice and Ethics Committee Jan 2014 - present

# **OTHER**

Case Editor - Brain Pathology,
Case of the Month feature
Case of the Month web site
Increase to 2 cases per month 1/2007
ad hoc reviewer, J Neuroscience
ad hoc reviewer, J American Medical Association (JAMA)
ad hoc reviewer, Neuropathology and Applied Neurobiology
ad hoc reviewer American Journal Pathology
ad hoc reviewer Neuroscience
ad hoc reviewer JNEN
AANP Awards Committee, AANP, Cleveland
AANP Awards committee, AANP-ISN San Fran
ad hoc reviewer Eur J Neurosci
Ad hoc reviewer Neuroscience
Chairmen, Awards Committee, AANP Washington DC. (2 year term)
ad hoc reviewer, Brain Pathology
ad hoc reviewer Acta Neuropathologica
ad hoc reviewer J Neuropathol Exp Neurol
Chairman Awards Committee AANP, San Diego Annual Meeting
ad hoc reviewer Brain Pathology
ad hoc reviewer Pedi and Developmental Pathology

2009 ad hoc reviewer Amer. J. Pathol.

2014 – Featured in non-fiction book: League of Denial: The NFL, Concussions and the Battle for the Truth (Crown Publishing, New York). Chapters 8 and 10 detail my role in the discovery of CTE in NFL football players.

January 2015 – Consulted with Sony Pictures about movie CONCUSSION based on the discovery of Chronic Traumatic Encephalopathy (CTE) in American NFL football players by my student, Bennet Omalu and me in July 2005. I was also interviewed on the set by Sony documentary filmmakers for a bonus feature on the DVD: The Making of "Concussion." The movie is scheduled to be released Christmas Day, Dec 25, 2015.

January 2015 – interviewed by Jeane Marie Laskas (who wrote the 2009 GQ article the movie is based on) for a companion book to be released with the movie, December 2015.

### **International Invitations**

1998 – Invited lecturer at Barcelona-Pittsburgh ADRC meeting, "Dementia Today," Barcelona, Spain (Oct 1998)

2000 – Invited lecturer at Barcelona-Pittsburgh ADRC meeting Dementia Today II", Barcelona, Spain (Oct 2000)

2001 - Invited symposia speaker at 10<sup>th</sup> Congress of the International Psychogeriatric Association (Nice, France, Sept 2001). "Pathological Diagnosis of Dementia With Lewy Bodies" (Symposia Organizer, Ian McKeith)

2002 – Invited lecturer at Barcelona-Pittsburgh ADRC meeting Dementia Today III", Barcelona, Spain (Oct 2002)

2003 – Symposium speaker "Dementia with Lewy Bodies" at International Psychogeriatric Associations meeting, Chicago, IL, USA, 08/19/03

2004 Invited lecturer at Barcelona-Pittsburgh ADRC meeting Dementia Today IV", Barcelona, Spain (Oct 2004)

2006 Invited lecturer at Barcelona-Pittsburgh ADRC meeting Dementia Today V", Barcelona, Spain (Oct 2006)

2008 Invited lecturer at Barcelona-Pittsburgh ADRC meeting Dementia Today VI", Barcelona, Spain (May 2008)

2014 – Invited lecturer AANP annual meeting June 2014. What Every Neuropathologist Should Know: Molecular studies in metastatic brain tumors.

2014 - Invited as member of scientific committee International Congress of Neuropathology quadrennial meeting Sept 2014, Rio de Janeiro

2014 – Chair of Forensic Pathology Session, committee International Congress of Neuropathology quadrennial meeting Sept 2014, Rio de Janeiro

2014 – co-chair telepathology session with Dr. Wiley

2014 – Presentation – Chronic Traumatic Encephalopathy – update, International Congress of Neuropathology quadrennial meeting Sept 2014, Rio de Janeiro

2014 – presentation – Cases of the Month – 16 Years of Unknowns International Congress of Neuropathology quadrennial meeting Sept 2014, Rio de Janeiro s